

Congress of the United States
Washington, DC 20515

February 18, 2021

The Hon. Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Hon. Avril Haines
Director
Office of the Director of National
Intelligence
Washington, D.C. 20511

Dear Secretary Austin and Director Haines:

We write to express our alarm at recent reporting regarding government purchases of access to large quantities of personal data from apps including a widely-used Muslim prayer and Quran app and a popular Muslim dating app.¹ This disclosure raises serious concern that such information is advancing systematic, warrantless surveillance of the Muslim-American community contrary to the privacy protections guaranteed in the U.S. Constitution. We wish to know more about these data purchases, the use of information gleaned from the data, and any possible violation of privacy rights granted by the Constitution and protected by law. Specifically, we request answers to the following questions. Please provide separate responses for each military and intelligence community agency:

- 1) Has any warrantless surveillance occurred on any U.S. citizen using purchased location data?
- 2) Has any surveillance whatsoever occurred on any U.S. citizen using purchased location data?
- 3) Did X-Mode or any other location data provider tout access to location data of Muslims as a feature of its service in communications with U.S. military or intelligence community agencies?
- 4) Were apps used primarily by the Muslim community targeted for data purchases? If so, which apps specifically?
- 5) For the first and second questions above, how many Muslim Americans were impacted? How many non-Muslim Americans?
- 6) Have agencies purchased information or data (or access to information or data) that would otherwise be unavailable to the American military, American intelligence community, or American law enforcement agencies? If so, specifically what type of information/data, and how many individuals were possibly included in the data/information?

¹ <https://www.vice.com/en/article/jgqm5x/us-military-location-data-xmode-locate-x>

- 7) Do the U.S. military or intelligence community agencies currently possess location data of American citizens, including Muslim-Americans? If so, which agencies, and how was this data obtained?
- 8) What was the cost of each contract the military has executed for the purchase of location data?
- 9) Of the location data that the military and the intelligence community possess, is the data of Muslim American citizens and non-Muslim American citizens segregated in any way? If so, please describe the process, purpose, and use of any such segregation and resulting usage.
- 10) Has evidence been used in any court application, trial, hearing, or other proceeding that consists of, was obtained from, or was derived from location information purchased from a commercial vendor?
- 11) What are the circumstances under which the government notifies criminal defendants, or other parties in legal proceedings, of the use of evidence that consists of, was obtained from, or was derived from location information purchased from a commercial vendor?
- 12) For any purchased location data, are – or were – the military and intelligence community agencies aware of what apps generated such data prior to purchasing? Please describe each agency’s awareness of the source of the data.
- 13) If the military or intelligence community has engaged in any data purchasing that targeted Muslim-Americans or Muslims generally, has similar targeted purchasing occurred with respect to any other ethnic or religious minority?

Thank you for your attention to this important matter. It is imperative that every American citizen, no matter their ethnicity or religion, is certain their Fourth and First Amendment rights are not only protected, but equally enforced.

Sincerely,

Mark Pocan
Member of Congress

Rashida Tlaib
Member of Congress

Ilhan Omar
Member of Congress

André Carson
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Pramila Jayapal
Member of Congress

Jamaal Bowman, Ed.D.
Member of Congress

Barbara Lee
Member of Congress

Ro Khanna
Member of Congress

Adriano Espaillat
Member of Congress

Jesús G. “Chuy” García
Member of Congress

Earl Blumenauer
Member of Congress

Raúl Grijalva
Member of Congress

Debbie Dingell
Member of Congress

Zoe Lofgren
Member of Congress

Suzan DelBene
Member of Congress

Alan Lowenthal
Member of Congress

Daniel T. Kildee
Member of Congress